

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Mines & Geology Department – Certain irregularities committed by Sri R. Golla, Assistant Director,
Mines & Geology, Vijayawada – Placed under suspension – Orders Issued.

INDUSTRIES AND COMMERCE (MINES.I) DEPARTMENT

G.O.Rt.No. 719,

Dated: 19.11.2010

Read:

From the Director of Mines & Geology, File. No. 16718/R9/2009, dated 15.11.2010.

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ORDER:

Whereas, it has come to the notice of the Government, that auction as per the Sand auction Notification No.772/Q/2007, dated:20-02-2009 for Madduru Sand reach, Kankipadu Mandal, Krishna District was conducted on 06.04.2009, Sri Y.Vidya Sagar of Vijayawada emerged as the highest bidder with knocked down amount of Rs.2,12,00,000/- (Rupees Two Crores and Twelve Lakhs only).

2. And whereas, Sri. Y. Vidyasagar vide his Letter Dt:21.04.2009 represented to the Government requesting to issue confirmation orders and grant of four equal installments for payment of the knocked down bid amount of `2,12,00,000/- (Rupees Two Crores and Twelve Lakhs only) in view of the recession in economy.

3. And whereas, Government vide Memo No. 5511/SPIU & SAND/2009-2, dt: 15-05-2009 issued orders permitting Sri Y.Vidya Sagar, the highest bidder for Madduru Sand Reach, Kankipadu Mandal of Krishna district to pay the knocked down bid amount of `2,12,00,000/- in four equal installments, subject to payment of Stamp Duty, Income Tax and Security Deposit in full along with the 1st installment as recommended by DM&G, Hyderabad.

4. And whereas, Sri R. Golla, the Asst. Director of Mines and Geology, Vijayawada requested the highest bidder to pay ¼ of knocked down bid amount ` 53,00,000/- on 15-05-2009 and the same was paid by the bidder on 16-05-2009. Accordingly, a note was submitted to the Dist. Collector on 18-5-2009 for issuing confirmation orders. The District Collector, Krishna District, Machilipatnam issued Confirmation orders on 20-05-2009.

5. And whereas, Sri R. Golla, Assistant Director of Mines & Geology, Vijayawada should have taken steps to collect the ¼ bid amount immediately and full amount within a week thereof immediately after 17.04.2009 since the WP 4585/2009 was withdrawn and the Court passed these orders on 17.04.2009. Instead of this, the process was delayed till the bidder filed a representation before the Government on 21.04.2009 requesting for installments to pay the bid amount.

6. And whereas, Sri R. Golla, Assistant Director of Mines & Geology, Vijayawada should have executed the lease deed for the period from 01.06.2009 to 31.03.2010 and 01.04.2010 to 31.03.2011 on or before 26-5-2009 after the confirmation orders issued by the District Collector on 20-5-2009. But, the lease deed was executed on 01-06-2009 which is against the rule position and the same is beyond his authority. Sri R. Golla, the ADM&G, Vijayawada ought to have submitted the proposals to the Govt., through DM&G seeking orders from the Government for condoning the delay and in permitting the reach holder to pay the amounts before executing the lease deed. Instead, Sri R. Golla, the ADM&G, Vijayawada executed the lease deed on 1-6-2009 without following the due procedure as prescribed in APMMC Rules, 1966.

7. And whereas, it is observed that Sri Y.Vidya Sagar based on the total knocked down amount had to pay Security Deposit of Rs.21,20,000/- and Stamp Duty of Rs.10,60,000. He filed Writ Petition No.10518/09 requesting the Court for orders to pay Security Deposit in four equal installments and WP.No.10503/09 with a request to permit him to pay 3% Stamp Duty instead of 5%. i.e. total amount of Rs.6,36,000/- only instead of Rs.10,60,000/-. Even before he could get any Court orders, on 26-05-2009, he paid Security Deposit of Rs.21,20,000/-, Stamp Duty of Rs.6,36,000/- and Income Tax of Rs.64,300/- and requested Sri R. Golla, Assistant Director of Mines & Geology, Vijayawada to execute the lease agreement only after completion of the Bridge repair at (Gosala Vanthana) over Bandar Canal.

8. And whereas, it is only on 28-05-2009 that interim direction was given by the High Court in WP.MP No.13505/2009 in WP.No.10518/2009 allowing him the payment of Security Deposit in 4 installments and another interim direction in WPMP.No.13489/09 in WP.No.10503/09 directing him to

pay the deficit Stamp Duty. Sri R. Golla, Assistant Director of Mines & Geology, Vijayawada executed the Lease Deed on 01-06-2009 which he should have done on or before 26-05-2009 and thus, the Bidder was allowed undue time against the Rules which helped him to pay lesser Stamp Duty and surprisingly though he had already paid full amount of Security Deposit, but without obtaining further clarifications/orders from the DMG or the Government, Sri R Golla, Assistant Director of Mines & Geology, Vijayawada took the unusual step of returning Rs.15,90,000/- to Sri Y.Vidya Sagar, the bidder on 11-06-2009.

9. And whereas, Sri Y.Vidya Sagar on 18-11-2009 requested Sri R.Golla, ADMG to extend his lease period as it was not operated from 01-06-2009 to 17-11-2009 due to construction of the new bridge at Gosala, which connects the sand reach at Bandar Road. Sri R.Golla, ADMG neither replied to the bidder nor submitted any proposal to the Government. Suddenly on 21-01-2010, Sri R.Golla, Assistant Director of Mines & Geology, Vijayawada requested the leaseholder to pay the 2nd year lease amount with 20% enhancement on the first year knocked down amount without mentioning anything about the request of the bidder, who then filed a W.P.No.2147/2010 requesting the Court for granting extension of the lease period.

10. And whereas, the Hon'ble High Court on 04-02-2010 in WP.MP No.2861/2010 in WP.No.2147/2010 directed the Respondents to consider and pass appropriate orders. Sri R.Golla while submitting the representation along with the High Court Order to the DLSC, did not mention the Rule position that for granting any such non-operation period, the Competent Authority is the Government. He then simply based on the factual notes submitted to the DLSC granted the non-operation period to the lessee, thereby causing a loss of Rs.92,67,986/- to the Government. Thus he passed orders which are totally outside his jurisdiction and there are 2 WPs 1) 2499/2010 and 2) 24313/10 also filed before the Hon'ble High Court questioning this benefit given to the lessee.

11. All the above indicate serious lapses on the part of Sri R. Golla, Assistant Director of Mines & Geology, Vijayawada in the discharge of his duties.

13. Now therefore, the Government in view of the above and in exercise of the powers conferred under Rule 15 of A.P.C.S. (CC & A) Rules, 1991, hereby place Sri R. Golla, Assistant Director of Mines & Geology, Vijayawada under suspension as per Rule 8 (i)(a) of the above said rules with immediate effect pending initiation of disciplinary proceedings. During the period this order remains in force, the Head Quarters of Sri R. Golla, Asst. Director of Mines & Geology, Vijayawada, shall be Vijayawada, and the said Sri R. Golla, ADM&G, shall not leave the Head Quarters without obtaining the prior permission of the undersigned.

14. It is further ordered that during the period of suspension, Sri R. Golla, Assistant Director, Mines & Geology, Vijayawada, shall be paid subsistence allowance as per rule 53 of the F.Rs.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

RANJEEV R. ACHARYA,
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri R. Golla, Assistant Director of Mines & Geology, Vijayawada,
through the Director of Mines & Geology, Hyderabad.
The Director of Mines & Geology, Hyderabad.
Copy to:
The District Treasury Officer, Vijayawada.
SF/SC

//FORWARDED::BY ORDER//

SECTION OFFICER